WASHINGTON, D. C.

SPEECH OF HON. SCHUYLER COLFAX. OF INDIANA.

IN THE HOUSE OF REPRESENTATIVES. MARCH 20, 1858.

Mr. Colfax was so tortunate, in his vigorou speech on the Kansas Question, as to present some views, quite original, and at the same time remarkably pertinent. We cannot print the whole speech, but the opening and closing portions we must find room for.

PARALLEL WITH THE GREAT NEW JERSEY

Mr. Chairman, when the gentleman from Mississippi [Mr. Barksdale] was upon the floor, a little while ago, he put some interrogatories to me. He wished to know whether, if Kansas came me. He wished to know whether, if Kansas came here with a Constitution adopted by her people recognising Slavery, I would vote for her admis-sion under that Constitution? I tell him now, emphatically, in advance of the speech which I have prepared, that I would not. When the Missouri compromise, that time-honored compact, was repealed, I declared then, and I maintain it now, that by no vote of mine shall that repeal be carried out to what I feared was intended to be its result; and, therefore, I would refuse to admit Kansas as a slave State under any continadmit Kansas as a slave State under any contingency. But all who oppose the ratification of the Lecompton Constitution do not agree on this point; and I pledge myself to the gentleman from Mississippi, and other members from the South upon this floor, that if I do not prove that there are sufficient reasons, apart from Slavery, to demand its rejection, that the Lecompton Constitution is not republican in its form, that it does not sneak the voice nor the will of the needs of not speak the voice nor the will of the people of the Territory of Kansas, then I do not ask any man, of any party, to join me in voting against it.

Nineteen years ago, the House of Representatives was convulsed with an exciting question, which threatened to prevent its organization, which hazarded even the continuance of the body itself, and which, affecting as it did the political majority of this branch of the National Councils, and thus deciding which party should wield its power, baffled all attempts at its adjustment, until the strong mind of the "old man elo-

quent" brought it from chaos to order once more. The incidents of that struggle must be fresh in the minds of every Representative within the sound of my voice; for they were discussed at every fireside throughout this broad land. Five citizens of New Jersey presented themselves at the bar of the House, with commissions certify-ing their election as Representatives from that State, signed by its Chief Magistrate, and attested by the broad seal of the State itself, the symbol of its sovereignty. These commissions were in the exact form required by law; and the gentlemen thus commissioned demanded that they should be admitted to seats upon them during the organization of the body, and till the proper the organization of the body, and till the proper committee was appointed, before whom their contestants could present their claims. No other gentleman claimed to have legal commissions for the seats on this floor belonging to New Jersey, except one, whose right was uncontested; but five other citizens presented certificates signed by an inferior officer of State and by two county had been omitted in the executive computation, which, if included with the others, would have entitled them to the commissions given to their adversaries. To this it was replied, by the mem-bers commissioned according to law, that gross frauds and irregularities existed in the returns of these townships, justifying their exclusion, as they would show at the proper time; but that, meanwhile, they claimed the seats in this body to which their legal credentials, the signature entitled them. Such is a fair abstract of the points in controversy in the celebrated New Jersey case. The application which I shall make of them may already be apparent.

Then, a sovereign State, by a fulfilment of all the formalities under which members are officially accredited to this body, demanded, under

the signature of its highest functionary, who, by law, had the right thus to speak for his State, law, had the right thus to speak for his State, that certain citizens thereof should be received to membership here. But the remaining memto the end, despite the excitement which reigned here for two long weeks, resolved that they shov's not be admitted into their midst; but that, going behind these credentials, regular though they were on their face, they would, at all hazards, regardless of broad seals and gubernatorial signatures, ascertain what was the act-ual will of the people of New Jersey. And the political majority of this body, with these claim ants excluded, being adverse to their views, their credentials, broad seal, executive signature, and all, were finally thrown back into their faces, and

is before us, not framed by the authority of an enabling act, the last Congress baving failed concur in the passage of one-not ratified by the vention, elected under an imperfect, unfair, dis franchising, and therefore swindling, census and registry, whose members represented, on an avan army to protect them, while in session, from they pretended to have been commissioned to make—who themselves conceded all that I have charged against them, by submitting the Constitution only to those who were willing to vote for it, and to swear besides to support it; and whose ill-shapen and illegitimate offspring was repudiated as spurious by the overwhelming majority of ten thousand, at a fair, open election, authorized by the Governor and Legislature of the Territory. And yet this fraudulent instru-ment, which no one here is hardy enough to claim as the voice of the majority of the people of the proposed State; which no more speak their will than does the Constitution of conquered instrument is pressed upon us for ratification, of the technical ground that it emanated from body which was nominally a Convention, repr the ordeal of a pretended, one-sided, subn will of the people of that distant Territory.

ers of the Lecompton Constitution the emphasisof the celebrated New Jersey case, to which if it was constitutional, to look behind the regular credentials of Representatives, and to decide, credentials actually spoke the voice of the people interested, then are gentlemen on the other side Lecomptonites) from arguing that, when an in-strument of such vital, far-reaching importance as a State Constitution, is before us for ratificaface that it may wear on the outside, to see if is not a fraud and an outrage, a tyranny and

he Congressional Globe, session of 1839-40.

And, first, to all the gentlemen, from the Presi dent down, who tell us so complacently that the Lecompton Convention was a legal body, that their Constitution was a legal instrument, that its formation has all been technically regular, and that, therefore, we have no right to conside the nearly unanimous protest against it by the Territorial Legislature, and the overwhelming repudiation of it by the people themselves, quote the outspoken language of Aaron Vander ion here from the Empire State:

That was the robust language in which a Dem-ocratic champion of that era spurned the argu-ment of "form and technicality," and sough speech, to ascertain what was "the right and truth and justice and conscience of the case." champion of the Democratic delegation from Ohio, who for years afterwards occupied a still higher seat in the other end of this Capitol, and who now presides as the Executive of the Golder

"His object was to do full and ample justice to these men and to the people of New Jersey; and he was not to be tied down by forms or stand upon technicalities, when he saw a gross fraud practiced upon the rights of a people of a sovereign State." * "Whenever he saw "His object was to do rull and ample the safety of the union was framed, or even larry to be need down by forms or stand upon technicalized, which the delegates and the safety of the Union, it would not be need to need to be need to need to be need to nee

truthful and prophetic. Listen to his words of warning:

"If you establish the principle that the credentials given by the State authorities, no matter how fraudulent, no matter how much at variance with the will of the people of the State, as expressed in the elections, shall outweigh the popular voice, yes strike at the existence of the elective franchise, and destroy every principle that makes Democracy both levely and practicable "—Page 59.

And yet the successors of Dromgoole tell us that we cannot go behind the official certificate of John Calhoun, to ascertain whether the instrument he bears is or is not "at variance with the will of the people." To them comes the stern

to be Democratic argument in the olden time without quoting an extract from one of the edi-torials of the Lecompton organ here, the Wash-ington Union, but a fortnight since, and the em-phatic and truthful reply to it from the lips of one of the Democratic champions of the debate of 1839. Says the Union, in an article showing the perfect indifference it exhibited to what was the desire of the majority of the people of Kan-SAS: "We do not care whether the people like or dislike the Cor

stimulon. We are unwilling to take any more testimon. The case has been closed; the judgment entered up; as the execution is now in the hands of the officers." Said John B. Weller, in the famous New Jer said John B. Weiler, in the lamous New Jersey debate, prophetically and justly characterizing such sentiments as these:

"They [his opponents] had always practiced upon the principle of the incapacity of the people to govern them selves—that the minority should rile. That was THE CORNER STONE OF FEDERALISM."—Page 10

other branch of Congress, [Mr. Hammond, South Carolina,] who in that famous speech his justified "the rule of the minority."

that would be an objection to it. Constitutions are may for minorities. Perhaps minorities ought to have the rig to make Constitutions, for they are administered by major

the argument, and at last reaches the question, is the Lecompton Constitution republican i

The next question which confronts us in th stitution is "republican in form." The report of the Senate's Committee on Territories, on page

vision more than another, in our recent Stat Constitutions, in which there has been a univer sal concurrence of sentiment, it has been in thei tions, all States, have agreed upon this cellent" provision. Though in the earlier of the Republic, when the public sentiment was unequivocal, State Constitutions were allowed to go into operation by general consent and uni versal acquiescence, yet, for over twenty years no Constitution has gone into operation, in any new State or old, without having been submitted to the ordeal of a popular ratification or re jection. This forms the only exception, during the present generation; and the following rea son, very frankly given by the President, on page 4 of his Lecompton message, does not strike n as either "excellent" or truly Democratic:

ed to the people, the adherents of this [Topeka] or

But, sir, besides the fact that the Constitutio a not really republican, because it does not rep people, I dissent from the Senatorial report, in its assumption that "no real or valid exception can be taken to any other part of the Constitu tion," besides its provisions in favor of perpetual

And first, the Constitution flatly contradict itself on a most essential point. In section one, of article seven, it is declared that "the right of property is before and higher than any constituional sanction"-a new higher law-while se tion two, article twelve, authorizes even a soulless corporation to take and pay for private property, even against the consent of the owner, to a Constitution, only consents.

And secondly, these sagacious Constitution-makers, in their deep interest for the people, enact, in section five of article twelve, that no bank bill shall go into force unless it is submit-ted to a vote of the people, after its passage by the Legislature, and shall be approved by a majority of the electors voting at such elections, while they themselves refuse to submit their own tions, the legislation, and the interests of the people, to this test, which they command here-after, on a single question. Such gross and idea of a "fair submission," they should have provided that the Legislature should order a vote for banks with branches," and "for banks withmen by requiring the voters to swear fealty to the banks before they could be allowed to-choo

And thirdly, a single word in this Constitutio ndicates the animus of its framers. The Constiution of the United States allows the writ of habeas corpus to be suspended only "in cases of rebellion or invasion;" but the Kansas Constitution (section fourteen, bill of rights) authorizes it to be suspended "in cases of rebellion, insur-rection, or invasion." The unconstitutional addicapable of latitudinous construction, becomes doubly significant when we remember what these same men have considered "insurrections" during the past four years. And section twelve allows them also to dispense with grand juries or impeachments, even in capital or infamous offences, "in cases of rebellion, insurrection, or invasion." With the kabeas corpus, indictments, and impeachments, all brushed aside, they can indeed be "a law unto themselves," and become

fore the Constitution was framed, or even fairly

a voice to speak, that voice shall be heard it windication, the cause of an entaged and insuffice profess. That voice, Mr. Charman, is still spared to legislate through their Constitution, on before at a street, the said Territory, or approximent for same, shall be received into the United States with a constitution in a single Congress was at its appears at its suc, I shall look to bear the solemn pledge which he look of the scheder when John B. Weller, from the Facilite coast lifts his voice in vindication of "the cause of an interest larguage which he so well knows to use, and will use if he is faithful to his yow, the imposition of an odious Constitution, should assemble. Such arrows the most constitution of an odious Constitution, should assemble. Such arrows the imposition of an odious Constitution, should assemble. Such arrows the receives men who framed this in runners in open, undisquised contempt offsets by now will of specific with the Constitution of the United States and the restricting accordance with the fearless declarations of her present Chief Magistrate. George C. Dromgoole—and L steed not state here what rank he held among the attacemen of the United States Laws, vol. 19, 23.

Dominion—uttered language which was both truthful and prophetic. Listen to his words of the prople. "If you established by provine proving the same and the received into the constitution with the provisions of this act." The propose of the granteness of the State Laws, vol. 19, 23.

And yet a definition of which the received in the links of the proplem of the legislate through their Constitution of the United States and the restrict the legal power and authority, at least, as their the proplem of the legislate through their Constitution so plants the provisions of this act." The same of the United States and the received which the same which the provision of the care that the constitution and the provisions of this act." The provision of the care that the constitution of the Constitution of the Constitution of the Cons

And yet the successors of Dromgoole sell us that we cannot go behind the official certificate of John Calboun, to ascertain whether the instruction of Calboun, to ascertain whether the instruction of the people." To them comes the stern condemnation from their eloquent predecessor, who, though dead, yet speaketh— You sirisk at the existence of the elective franchise, and destroy every principle that makes Democracy both how the existence of the elective franchise, and destroy every principle that makes Democracy both how who must make the existence of the elective franchise, and destroy every principle that makes Democracy both how who must make the existence of the elective franchise, and destroy every principle that makes Democracy both his must call yet another witness upon the stand, who "still lives" in his own State of South I must call yet another witness upon the stand, who "still lives" in his own State of South I must call yet another witness upon the stand, who "still lives" in his own State of South I must call yet another witness upon the stand, who "still lives" in his own State of South I must call yet another witness upon the stand, who "still lives" in his own State of South I must call yet another witness upon the stand, who "still lives" in his own State of South I must call yet another witness upon the stand, who "still lives" in his own State of South I must call yet another witness upon the stand, who "still lives" in his own State of South I must call yet another witness upon the stand, who "still lives" in his own State of South I must call yet another witness upon the stand, who stand is a standard to stand the stand who is an interest to standard the standard that the stand who is an interest to standard the standard that the standard tha

And fifthly, this Constitution, section three, ricie ten, expressly empowers the regislature, esides poll taxes, income taxes, a d uniform axation on property of all kinds, to levy additional taxes on "all persons pursuin any occupation, trade, or profession." Under this, the gendeman or the sluggard, who is too wealthy or leave to lazy to work, is to be exempt frem this tax in industry, while the mechanic, the abover, the nanufacturer—in a word, the men who earn their living by the sweat of their bow—are to ay a tax for so doing, over and above all the ther taxes which they share in common with heir fellow-citizens of exempt form, trade, or profession." Under the share of the share of

Nor is this all. The Lecompton degrates appeared as anxious to rob the Unit 1 States of heir lands in the Territory as they bad the people of Kansas of their rights. Any they have sent us an ordinance declaring the to-induce taxing the unsold Government lands within he orders, four sections out of each township, instead of the usual number of ore, must be given her for schools; all the salt, old, silver, and lead mines; seventy-two section; for a college; and an enormous railroad gran, besides, of alternate sections of land, for a breadth of twenty-four miles wide, through the Territory rom east to west, and another c, the same extent from north to south. It is fell known that this wholesale "land-grab" would kill the Lecompton Constitution in Congress, if coupled with it here; and hence the Preside it has sent it to us in a separate form from the r, ain body of

"The committee do not approve the ord, ance accompying the Constitution, and report against; a allowance tut they do not regard it as any part of the Constitution mor will its approval or disapproval by Cagress affect the validity of that Constitution, if the State be semitted into the Union as recommended."

nowever, rid themselves of this under rable handlwork of the usurpers. I shall pre se that it i part and parcel of the Constitution inseparable from it, and will be ratified fully at a unequivo-cally if the State is admitted. For-

1. It is part of the proffer made by the framer of the Lecompton Constitution, on which they agree to come into the Union.

2. It was framed by a body whose mly author

But still higher and more indispuble authority is the positive testimony of the current ator, their own witness, John Calloun, President of the Convention and bearer of the Constitution, whose official certificate, hey are, by their own argument, "estopped" com lool behind. I quote this certificate, at sched to ordinance, from page 48, Senate report:

"The within is a true and perfect copy and entering and substitutional Convention and substitutional Convention and substitution as taken of the Constitution and the State of the Constitution of the State of Constitution of the Constitution of Convention, Kansas Territory, Januar 14, 1858." "Submitted as part of the Const ution by th Convention." Gentlemen, can you escape that? Your Senate committee, in the teel of this, and to avoid saddling this extra weight on your con-

actly as much as any other part. It is of as much validity as any other section or article. You cannot, you say, vary in the so thest degree from the action of the Convention not even to consult the popular will, not even to adopt the onstitution, subject to its satisfy tory ratification hereafter. Then you cannot very their prof-fer to you. You cannot accept part of the Con-stitution, and reject part. The ordin are is declar-ed, in an official certificate of the President of the Convention which framed it, to be "part of the Constitution;" and you will be cor pelled, therepeople of Kansas, to strike, at the same time, a heavy blow at the rights and int rests of your heavy blow at the rights and intrests of your constituents there, and to sanctic a land-theft that, uncoupled from this mode Constitution, would not command every votes in this body.

I have not time to notice of the provisions

bling act was necess my to authorize the formation of a State Co stitution these the original Kansas-Nebraska latitself. In order not to do him injustice, I quot his exact language:

Others in debate, t | both branch se of Congr enabling act was timedessery, ecause of following language in Another section of Kansas-Nebraska bi :

"And when admitted is a State or S, tes, the said Territory, or any portion of the same, shall be received into the Union with or with it Silvery, as field Constitution may prescribe at the time of their ac justion."—Unite States Laurs, vol. 10, p. 18. But these gentler in, perhaps, jrget that pre-

visions of this act."—United States Laws, vol. 9, p. 454.

Do the gentleman from Georgia, and the other prominent champions of the Administration, dare to stand by their own argument, when applied to the Territory of Utah? Will they maintain, while asking us for appropriations for the army which is to assist in sustaining and upholding the new Territorial officers there, that the whole Territorial Government itself can be superseded or trammelled by the spontaneous formation of a State Constitution in Utah, and the Lecompton-like election, before even the instrument itself is submitted to our inspection, of a Governor. State like election, before even the instrument itself is submitted to our inspection, of a Governor, State officers, Judiciary, and Legislature? And yet, the language of the two acts being identical on the very point where he finds the authority for Kansas, he must acknowledge its fallacy, or concede a license to Utah utterly destructive of the national authority in that rebellious Territory. I leave the gentleman from Georgia to sele-

I leave the gentleman from Georgia to select whichever horn of this dilemma he chooses, and ask attention to the two following extracts from the speeches of distinguished advocates of Lecompton upon this floor.

The gentleman from Mississippi, [Mr. LAMAR,] in his speech on the 18th of January, lays down the following proposition:

the following proposition:

"The people act in their sovereign capacity when they elect delegates; and the delegates thus elected am convened are, for all practical purposes, identical with the people. Sir, I take higher grounds. I hold that the highest embodiment of sovereignty, the most imposint political assemblage known to our Constitution and laws is a convention of the people legally assembled, not emassement of sovereignty, the most imposint political assemblage known to our Constitution and laws is a convention of the people legally assembled, not emassement for such an assemblage is unknown in our representative system—but by their delegates, legally elected. When such a body, with no declared limitation upon their powers, are deputed to form a Constitution, asset they execute their trust, the Constitution, is they execute their trust, the Constitution, is comes the supreme law of the land, unquestomable and unchangeable by any power on earth, save that which or dained it."

"It [Kansas] is no longer a Territory of these United States. She has, by your own authority and permission thrown off the habiliments of Territorial dependence, an attands now a State, clothed with all the attributes an powers of a State, and asks admission as an equal in the noble Confederation of sovereignties. You may reject her application, if you will; but it will be at your own one, any more than you can roll back to their hidder ourses the waters of the Mississippi. Kansets is a seen

peril. To remand her to her Territorial candition you can not, any more than you can roll back to their hidden sources the waters of the Mississippi. Kansas is a separate organized, liceing State, with all the nerves and arteries of life in full development and vigorous activity Between your laws and her people she can interpose the broad and radiant shield of State sovereignty, and may laugh to scorn your enabling acts."

The gentleman from Alabama, [Mr. Shorter,] just a month later, declared himself also as follows:

chief argument, and you, gentlemen of the posite side of the House, will be responsible for the consequences in the other Territory which you are striving to force back to its allegiand In the path that these gentlemen have marked doubtless will. With precisely the same ena-bling act that Kansas has, a vote of the people could be at once taken on the propriety of forming a State Constitution; an election of delegat to a Constitutional Convention ordered by unanimous vote of the Kansas Legislature, even itself was; a Constitution framed, fair and re-publican on its face; the whole completed within the rulers of Utah could tell you, in the languag of Mr. LAMAR, that they are "no longer a Terri mand them to their Territorial condition;" that between your laws and her people she will in overeignty;" and, in the language of Mi Shorter, she could declare herself "a sovereign dependent State," and could demand that "th Sederal Territorial officers should be instantly

withdrawn." side, that these are speeches of only two mem-bers of your party, and do not bind the whole will give you, in addition, the even weightie eclarations of the authorized exponents of your party, the organs of the Senate and House comnittees on this subject, to show you to wha arguments even your champions are compelled, in their attempts to vindicate this Lecompton

The Senatorial Committee on Territories clo heir report with the following summing up their argument: "In conclusion, this committee is of opinton, that wh Constitution of a newly-formed State, created out of own territory, is presented to Congress for admission in the Union, it is no part of the duty or privilege of Congre

rom the select committee of this body, also de clares:

To such extraordinary positions do the neces-

sities of this extraordinary case unwittingly hurwho do not believe that Congress is so powerless, so bereft of legislative discretion, so tongue-tied, that it has not even "the privilege" of saying "no," when a State asks for admission, would "no," when a State asks for admission, would meet the application of Utah, did she come here with a Constitution republican in form, with proper boundaries and sufficient people, as we meet this Lecompton fraud—by the declaration that, in the exercise of our power and authority, we decline admitting you into the partnership of States, and remand you, for reasons good and sufficient to ourselves, to your Territorial condition. You gentlemen however will be fication. dition. You, gentlemen, however, will be "estop ped" by the doctrines you have deliberately endorsed; and having ratified the humiliating declaration of the Senate's report, that it is neither your duty, nor even your "privilege," to look behind a Constitution fair on its face, even in the State of Kansas in the persons of those now held as slaves in the Territory, and in I have not time to notice other previsions equally objectionable, but which have been already widely criticited and condemned; and I must hasten to another branch of he discussion.

The report of the anjority of the select committee of this House as published by Mr. Stephens, of Georgia, it sists that he further enable with the discussion of the discussion of the discussion of the discussion of the discussion.

The report of the anjority of the select committee of this House as published by Mr. Stephens, of Georgia, it sists that he further enable as the first fruits of your Lecompton doctrine of 1858, with Brigham Young and Heber C. Kimball in your National Senate, to assist you in applying it to still other Territories of this Union. Imagine, sir, George Washington sitting in the White House; that noble patriot, whose whole career is a brilliant illustration of honor and puif you know it to be a "whited sepulchre," yo

a Constitution as this had been submitted to him the consciences of a large majority of the peofor his sanction, he would have spurned from his bore it? Or, ask yourself what would have bee the indignant answer of Thomas Jefferson, wh proclaimed, as the battle-cry of the Revolutio that great truth enshrined in the Declaration scattered to the winds the sophistries and tech-nicalities of the royalists of our land, that "all Governments derive their just powers from the consent of the governed;" not the implied consent of enforced submission, but the actual, undeniable, unquestioned consent of the freemen who are to bear its burdens and enjoy its blessings. If a messenger had dared to enter the portals of the White House when that stern old man of iron will, Andrew Jackson, of Tennessee, lived within it, and ask him to give his endorsement and approval, the sanction of his personal character and official influence, to a Constitution reeking with fraud, which its framers were seeking to enforce on a needle who

tary advocate and champion, that messenger, I the right of the people of a Territory to adopt will warrant, would have remembered the torwill warrant, would have remembered the tor-rent of rebuke with which he would have been verwhelmed, till the latest hour of his life.

rent of rebuke with which he would have been overwhelmed, till the latest hour of his life.

I tura gladly, joyfully, from the consideration of the extraordinary arguments to which I have alluded, to a brighter, happier picture, if you will only allow it to be painted. The President complains that he is tired of Kansas troubles, and desires peace. How easy is it to be obtained? Not by forcing, with despotic power and hireling soldiery, a Constitution, hated and spurned by the people, upon a Territory that will rise in arms against it; not by surrendering the power and authority of an infant State into the hands of a pitiful minority of its citizens, who, by oppressive laws, and persistently fraudulent elections, have continued to wield the power which a shameless usurpation originally gave them; but by simply asking the people of Kansas, under your own authority, if you insist on rejecting the vote authorized by their Legislature, the simple and yet essential question, "Do you desire Congress to ratify the Lecompton Constitution, or the new Constitution now being framed?" How easy is the pathway to peace, when Justice is the guide! How rugged and devious the pathway of error, when Wrong lights the road of her followers with her lurid torch, I have endeavored to show.

The people of Kansas through every possible

lowers with her lurid torch, I have endeavored to show.

The people of Kansas, through every possible avenue which has not been closed by their enslavers, have remonstrated to you against this great wickedness. By ten thousand majority at the polls, by the unanimous protest of their Legislature, by public meetings, by their newspaper press, and by the voice of their Delegate upon this floor, overwhelmingly elected less than six months past, they ask you to repudiate this fraud. Dragged here, bound hand and foot by a Government office-holder; who, besides drawing his pay as Surveyor General, acts also as President of the Lecompton Convention; who ing his pay as Surveyor General, acts also as President of the Lecompton Convention; who becomes, by its insolent discarding of all your Territorial officers, as well as the people's, the recipient of all the returns, fraudulent as well as genuine, and the canvasser of the votes—she appeals to you to release her from the grasp of this despot and dictator, and to let her go free. In the language of an eloquent and gifted orator of my own State, I say, "When she comes to us, let it be as a willing bride, and not as a fettered and manacled slave."

THE RIGHTS OF THE PEOPLE OF KANSAS. SPEECH OF HON, PRESTON KING. Of New York.

In the Senate of the United States, March 16th, 1959 THE FRAUDS, USURPATION, AND PURPOSE, IN LECOMPTON CONVENTION HAD ITS ORIGIN.

Mr. KING. Mr. President, before the Revolution, charters were granted to the colonies by the Crown. Since then, up to this time, the people of the States of the Union have made their Constitutions for themselves. Now, for the first time since the Continental Con-gress declared the colonies free and independ-ent States, the question is raised of the right of the people to adopt or reject the Constitution which is to create them a State qualified to come into the Union, one of the equal States

of our Confederacy.

Kansas, brought to the door of the Senate for the purpose of having the Lecompton con-stitution imposed upon her people by the au-thority of an act of Congress, presents that

question to us.

Benjamin Franklin, contemplating his coun-Benjamin Franklin, contemplating his country when her independence had been acknowledged and the Republic was established, is said to have expressed the wish that he might be permitted to look upon this country after the lapse of a hundred years. If the shade of that venerable man could appear here, and listen to these debates upon the prevenition to add and by the consent of Congress."

These, sir, are bold sentiments, daringly expressed. But when you apply to them the follow-citizens of every degree. Before I will vote to ratify or endorse so sife peless and ansulting a discrimination against the free laborates and working men of Kansas, my tangue shall halsy in my mouth. Let gentlemen en the other side, who insist that we cannot look behind the Constitution to see how it was formed or adopted, but their eyes, if they can, to this corrections for which stares on them from its face.

These, sir, are bold sentiments, daringly expressed. But when you apply to them the touchstone of Utah, their monstrous character, their fatal results, are plainly exhibited to all men. Even their authors themselves would shrink from carrying them out. No more danger ous blow could be wielded at the authority of the Federal Government in our Territories than this. Endorse them by your ratification of the constitution; to the Union, he would hear from the Government side calls for more troops, and arguments to show the necessity of an increase of the standing army; he would hear that the people of the State proposed to be added to the Union are a factious people; that they claim the right to vote on the adoption of their Constitution; to vote on the adoption of their Constitution; to these debates upon the proposition to add a to the Union, he would hear from the Government side calls for more troops, and arguments to show the necessity of an increase of the standing army; he would hear that the people of the Union, he would hear from the Government side calls for more troops, and arguments to show the necessity of an increase of the standing army; he would hear that the people of the Union, he would hear from the Government side calls for more troops, and arguments to show the necessity of an increase of the standing army; he would hear that the people of the State proposed to be added to the Union, he would hear from the Government of the Union, he would hear from the Government their form of government submitted by the convention that made it to themselves, and to express their opinion of it; that in this new State the people are unwilling to have slavery established as one of their institutions; that, out for him, Brigham Young can walk, and although the President declares the constitution prepared for them by the Lecompton con-vention to be a good one, they contumaciously reply that it is not their constitution; that they comp'ain of fraud and corruption in the officials appointed and sustained by the central Government; that they refuse to pay the taxes levied by the Legislature, alleging that they had no voice in its election, and were not rep-resented in it; that they agitate and annoy the Government and disturb the quiet of the country by their turbulent and disorderly conduct that they remonstrate against stuffed ballotboxes, spurious votes, forged certificates, and false returns at their elections, and demand of the Government investigation and punishment right to decide for themselves the character of

their State institutions, and refuse to accept the constitution which the Government offers to them; that they complain of the intrusion of regular troops belonging to the standing army of the Federal Government sent to maintain law and order in their Territory; that they are seditious; that they are rebel that they have been permitted to occupy the attention of the Government and the country too long; that they must have a local government instituted over them by Congress, and be subdued by the army. He would hear some uncertain and mystical suggestions that the people of the State, when reduced to order, might possibly, at some future time, be allowed to alter their obnoxious constitution in some legal manner. I think, after listening so far, Franklin would inquire, "is this the American Congress, and have you established a consolidated Government? Or is this the British Parliament, and have the United States been reunited to the Crown?" Upon being told can Congress, that the United States are still an independent nation, and that the words of the Federal constitution remain unchanged, he would say, "then these honorable gentle have not inherited the republicanism of my day and generation; this is not the Democrac that thundered at Bunker Hill, at Saratoga and at Yorktown, and rang out their battl the colonies, until the royal charters were abolished, and the right of the people to institute their forms of government and to make their constitutions for themselves was acknowl-

edged."
Mr. President, the convention held at Le compton framed a State constitution for Kansas, and refused to submit it to the people. The convention submitted a single provision of the constitution to the people—the question whether slaves might hereafter be imported or brought into the State; and required, as a preliminary to the right of any elector to vote for or against this single partial provision on the subject of slavery, that he should first vote for the obnoxious constitution, which con-tained, separate and distinct from the provis-ion submitted, an article perpetuating slavery in the State of Kansas in the persons of those

their posterity, forever. A very large majority of the people were opposed to the obnoxious constitution, and re-fused to vote for it. Without voting for the constitution, no elector could vote for or against

It is notorious that the Lecompton convention knew the constitution it framed was repugnant to the sentiments, the opinions, and the institution of slavery which it proposed to establish and perpetuate among them.

It is known to every Senator and to every

Representative in Congress that a very large majority of all the qualified voters in Kansas have expressed their opinion against the Le-compton constitution at an election held under the authority of an act of their Territorial

them a State, preparatory to admission into the Union, is presented. The sovereign right of the people is denied, and the sovereign right of a convention of delegates affirmed. The question raised in the case of Kansas is not a question for Kansas alone. It is for every Territory hereafter to be organized, and for every State hereafter to be admitted into the Union as well as for Kansas. It is a the Union, as well as for Kansas. It is a

the Union, as well as for Kansas. It is a question of constitutional and political right of the first magnitude. Indeed, it is the question of the inherent sovereignty of the people, vital to the people inhabiting the territory now belonging to the United States, and to all which may hereafter be acquired or come within our ever-expanding borders.

It is no less vital to the people of every State now in the Union, because it is the question where sovereignty resides, whether in representatives and representative bodies, in the Federal Government, or in the people. Our existence as a republican Government rests upon the principle involved in this question.

When the sovereignty of the people is sub-

when the sovereignty of the people is subverted or successfully denied by any representative body, or by any other power, the rights and the liberties of the people are in the hands and at the mercy of that power. The Government of the United States, inaugurated upon the principles of the Revolution of 1776, recognised the sovereignty of the States, and the sovereign right of the people of the States to frame and adopt their forms of government, and to make and to adopt their constitutions. It is a constitutional right of the people of a State, essential to its equality as one of the States of the Union, and necessary to the republican character of its constitution—a right never before denied or questioned. If those who now, in the case of the people of Kansas, never before denied or questioned. If those who now, in the case of the people of Kansas, deny this right, had before the day of election in November, 1850, only whispered their design to subvert this sovereign right of the people, the Administration which is now pressing upon Congress the proposition to subvert the rights of the people of Kansas, would never have come into power to make such a question. No State has ever been brought into the Union where it was denied, questioned, or doubted, that the people of the State to be admitted approved their constitution. The enabling acts, the forms of law, and the modes of proceeding on the part of the people, preparatory to their on the part of the people, preparatory to their admission as States into the Union, have widely varied. I do not know that they have been ly varied. I do not know that they have been exactly alike in the cases of any two States. But observance of the vital principle that all just government derives it authority from the consent of the governed, has been the one essential thing required in all. Are the President and Congress prepared to go back to the reign of the Georges in England, and assume the prerogatives of the Crown and the unlimited power of Perliament? And are they ready to renew in this country the controversies of those days between the prerogative and power of the central Government, and the and power of the central Government, and the constitutional power and political rights of the people—questions supposed to have been for-ever settled in America by the success of the

Revolution, and the adoption of the Constitu-tion of the United States? Whatever the President may be willing to do, is Congress prepared to deny the absolute and sovereign right of the people of a new State to form and adopt their own constitution? And is Congress prepared to assume the sovereign power to impose a constitution upon the people of a new State? Congress has the power to admit new States into the Union, but it has not the constitutional power to make a constitution for a State, or to adopt one made by others, and impose it upon the people of a State.

The President possesses no such constitutional power, and cannot be invested with such authority by an ext of Comment The President authority by an act of Congress. The Presi-dent who recommends such a measure to Congress, and proposes to enforce such an act upon the unwilling people of a State, is false to the high trust reposed in him by the people of all the States in the Union. It is a subversion of the rights of the States. It is consolidation.

The designed to perpet ate its power, and gress, and proposes to enforce such an act upon the unwilling people of a State, is false to the high trust reposed in him by the people of all ton convention should be submitted, for adoption ton convention should be submitted, for adoption ton convention should be submitted, for adoption to the triple of the states. It is consolidation.

Kansas, organized in companies and detachments, to the places for holding the election in that Territory; their seizure of the people; where the rights of the States. It is consolidation.

people of a State, who shall say what limitaions to its power remain; what shall stay its arbitrary will; and how and where shall its tyranny be arrested? But, Mr. President. nonstrous and utterly indefensible as the propsition to bring Kansas into the Union under the Lecompton constitution stands upon the case as made by the majority of the committee, dark colors are yet to be added to the true picture of violence to the constitutional principles of republican government, and of outrage against the rights of the people of Kansas. does not state the facts of the case correctly.

The report of the majority of the committee The assumption that the first Territorial Legislature of Kansas was fairly elected, and valid in law, is contradicted by record evidence. The assumption that the Lecompton convention was fairly elected by the people of Kansas, is contradicted by evidence that can be neither contradicted nor controverted. Upon these two assumptions, the majority of the committee maintain the sovereignty of a convention, and

deny the sovereignty of the people.

The history of Kansas, from the beginning to the end of it, is one of fraud and violence, of wrong and outrage. Although the majority investigation that would bring the facts offi-cially before the Senate, yet they are notorious to the whole country, and they cannot be ex-cluded from our sight. The act of Congress that organized the Territory repealed the eighth section of the act for the admission of Missouri into the Union, commonly called the Missouri compromise law—a law which excluded slavery from the Territory of Kansas. This was a breach of that faith and honor among men, which statutes can neither create nor destroy; a breach of that faith and honor between communities, which is their only strong bond of peace and friendship. Successive statutes are onuments that mark the existence and decay of faith and honor in the men who make them. and in the nations which accept them.

Under a charter for a Territorial Government, instituted by such a statute, the President appointed a Governor, Secretary, judges, mar-shals, and other officers, and the day was appointed for an election of members of a Legislature by the people, which would complete the organization of their Territorial Government. As the time for the election of members of the egislature approached, four thousand nine nundred armed men, not residing in Kansas, organized for that purpose by secret lodges in the State of Missouri, passed over from that State into the Territory of Kansas, and, on the day fixed for the election of the first Territorial day fixed for the election of the first Territorial Legislature, seized, by force, the control at most of the precincts in the Territory, displaced by violence the judges of the election, took possession of the ballot-boxes, and excluding the citizens residing in Kansas from the polls, proceeded to stuff the ballot-boxes, and the transaction of the ballot-boxes, and the transaction of the ballot-boxes. the polls, proceeded to stuff the ballot boxes, and in that way to designate and appoint per-sons to be legislators for Kansas. Incontro-vertible evidence of these facts stands of record

The invasion from Missouri was successful and complete, and the invaders, having accomplished their purpose, returned in organized bands to Missouri. The persons thus created legislators for Kansas, assembled, organized, and, assuming to be the Legislature, proceeded to pass laws for the government of the Territory, and to levy taxes upon the people. Their enactments were arbitrary and oppressive, designed to drive the people from the settlements they had made, and compel them to abandon the Territory. The people of Kansas denied the authority of this Legislature. In an evil hour, the President of the United States recognised this usurpation as the Government of Kansas, and large bodies of Federal troops have been stationed in the Ter-ritory to overawe the people by their presence and to enforce the authority thus nefariously

raposed upon them.
The call for the Lecompton convention was made by this usurpation, and upon its sub-mission to the people less than twenty-three hundred persons responded. The large major-ity of the people denied its authority and refused to vote on the call for the convention, or at the subsequent election for delegates. Sufficient reasons existed for their refusal to vote; an act for the registry of voters had been passed and the people in many of the counties were disfranchised by the omission on the part of the registry officers to register the voters. In these counties, no places were appointed for balding the elections and home and he held

were partial, omitting large numbers of the though held only eight years ago, has were partial, omitting large numbers of the qualified voters. The people of the Territory reasonably apprehended that, without regard to the number of votes which might be deposited in the ballot-boxes by the electors, the inspectors and returning afficers of the election would, by false certificates, return, as elected,

certificates, from a single poil, the Oxford precinct, in Johnson county. One of the officers of the election at the Oxford precinct—the very man, it is said, who manufactured the false certificate returning the sixteen hundred fraudulent votes—was one of the secretaries of the Lecounty of the return of the secretaries of the Lecounty of the return of the secretaries of the Lecounty of the return of the r of the Lecompton convention. One thousand fraudulent votes at the same election were returned from McGee county, and more or less from various precincts, sufficient to decide the elections without regard to the votes of the lectors. The street of the same of the same election were retrace its steps; restore the Administration to the principles and practices of Washington and Jefferson; abandon the Lecompton contents. elections without regard to the votes of the electors. The returns of the election were in accordance with the wishes of he usurpation, and not in accordance with be votes of the electors. President Buchanan, with the concurrence of his Cabinet, in their official instructions to Governor Walker, gave express and positive assurances to the people of Kansas, that the constitution, preparatory to their becoming a State, should be submitted to a fair vote of the people, to be adopted or rejected by them.

Governor Walker, in his official communication.

Governor Walker, in his official communica- so much has been ventured by the present A tions to the people, repeated and affirmed these assurances. The candidates proposed for delegates to the Lecomption convention—after-wards returned as delegates—before the election voluntarily pledged themselves to the public, verbally and in writing, that the constitution the convention might frame for Kansas should be submitted to a vote of the people. The Governor of the Territory invested with The Governor of the Territory, invested with authority by the President of the United States, proclaimed to the people of Kansas, that, at an election, to be held with security against fraud or violence at the polls, and against false ceror violence at the polls, and against laise certificates by the returning officers, a fair opportunity should be afforded to all the qualified voters to vote; and that a majority of the votes of the people should determine the adoption or rejection of the constitution; that his official rejection of the constitution; that his official reports to the President and Congress, and his action for or against the constitution, should be governed by the vote of the majority at such an election. Governor Walker adhered to his declarations; he rejected the false certificates. Who, Mr. President, is responsible for the constitution, that his official the Perritory for settlement invited them to get the false army spill American blood in Kansas, and you kindle a fire which the Federal Government and its army cannot be extinguish.

Who, Mr. President, is responsible for the false certificates. returning the spurious and fictitious votes in Johnson and McGee counties for members of the Legislature, and persisted in requiring that the constitution of the Lecompton convention should be submitted to a vote of the people. For this he fell under the displeasure of the President, and repaired to Washington to make explanations and represent the conditions. President, and repaired to Washington to make explanations and represent the condition of affairs in the Territory. He failed to satisfy the President and his Cabinet, or to induce them to fulfil the assurar ces which had been given to the people of Kat sas, that they should mise to the bill before us, which proposes have an opportunity to we are the advertised. have an opportunity to vo e on the adoption of their State constitution. Governor Walker is reported to have said that he went with the Administration to the gate; of the penitentiary, in this business, and he would go no further. He had left the Territory; he declined to return to it, and resigned his commission.

Secretary Stanton, who went to the Territory by the appointment a d as a friend of President Buchanan, became acting Governor by the resignation of office by the President this Senate, who went straight from the Capit the resignation of Governor Walker. Upon in Washington to organize in those lodges, assuming the executive power, Mr. Stanton re-fused to sustain the frauds by which the usurp-ation designed to perpet ate its power, and persisted, as Governor V alker had done, in the Administration in Washington, was appointed, first Secretary, and then Governor. Denver, who has certified the votes of the against the usurpation in the Fe people of Kansas at the election authorized by the Territory, which were never tried; and held on the 4th day of January last, in which the vote of the people is nearly unanimous, and the majority more han ten thousand against the Lecompton constitution. The preme Court of the United States in the Lecompton constitution is not the constitution of the people of Kansas. It is an instrument of the Lecompton convention and the Federal to the people of Kansas that the constitution Administration, and is stained with false pre-tences and fraud from the beginning to the vote for adoption or rejection; the quark end. To impose this instrument upon the people of Kansas as their constitution, by an act of Congress, would outrage justice and truth. It would be a violation of the Federal Constitution, by the exercise of power neither granted to the Federal Government nor remotely hinted at in the Constitution. It would be an act of tyranny. It is a mockery of State sovereignty, in the report of the majority until Congress shall have acted on the conof the Committee on Territories, to call the proposition they make to the Senate an act for the admission of the State of Kansas.

The question is not that of the admission of Kansas; an act of admission implies at the least the concurrence of the party to be admitted. The proposition before the Senate, whatever may be the name and style given by the majority of the Committe on Territories to their bill, is no question of the admission of Kansas. It is the monstrous proposition to impose upon the people of the Territory of Kansas a constitution and form of government ty of that people, accompanied by every indi-cation on the part of the Federal Administra-tion of a disposition to compel the submission of the people of the State by the power of the Federal Government. To call such attempted coercion an admission of the State of Kansas, is to deride the sovereignty of the people of the State. I repeat, this is no question of the admission of a State. It is one of a series of acts in the scheme conceived by the nullifiers who have obtained thorough control of the organization of the Democratic party, to change the conconstruction and decisions of the Federal courts, and to subvert our free form of govern ment. Whether a settled plan and a combination exist to provoke disturbances with view to a dissolution of the Union, time will fully disclose. There should be no fear of the full development of any such scheme, no matter by whom the idea may be entertained, and no matter who may be concerned in it. American citizen who would fear it has little of the spirit which animated the men who fought the battles of the Revolution, and esthe union of our common country.

The wild schemes of men long accustom to wield the power of a disciplined party or ganization are not always guided by reason. To inquire into the desperate conceits of mad ambition, and to direct the public attention to them, is to dissipate them. The Hartford convention, held under the auspices of the Federal party, was suspected of entertaining the idea of dissolving the Union in certain contingencies. This suspicion, whether well or ill found-ed, excited the jealousy of all the friends of this country. It exasperated the prejudices and hostility of the Republicans of that day, and completed the full weight of accusation and completed the full weight of accusation against the Federal party, already loaded with the alien law, the sedition act, the stamp act, the midnight judges, and the standing army. The power of that once protein and patriotic party, which, at an early day, had borne the heat and burden of the political contest that adopted the Constitution and established the Umion of the States, gave way, and was destroyed forever. The word "Federal," as the stroyed forever. The word "Federal," as the name of a party, became so odious in the popalar ear, that no party, for a great many years, has claimed or would accept it. The Nashville convention, held under the suspices of the Democratic party, at a more recent day, flaunted its proclamations and purposes of a dissolution of the Union; but the Nashville convention was believed to be a humbug. I remember to have heard a distinguished citizen of Tennessee, at the time, speak of that body. He said that but very few of the citi-zens of Tennessee had anything to do with it; its members were mostly from a distance, and strangers in that State; the convention should do any act by which

would, by false certificates, return, as elected, men for their own purposes, and not the men who would receive the votes of the electors.

The origin and proceedings of the Territorial authorities fully justified this apprehension. At the election under their authority in October last, to continue the Missouri usurpation, in the election of a new Legislature, although the original invaders did not reappear, sixteen hundred spurious and fictitious votes were returned by the inspectors of election upon false certificates, from a single poll, the Oxford precinct, in Johnson county. One of the officers

impose the slave constitution of the L The act of Congress that repealed the h souri compromise; the course of Preside Pierce, stimulated to be a candidate for renor nation, and persuaded to rely upon the author of this scheme for his success; the institution of the blue lodges in the State of Misson

Government of Kansas by the of General Pierce; the odious and oppress It is this last Governor of Kansas, General laws they enacted; the indictments for trealaw of their new Territor al Legislature, law of their new Territor al Legislature, law of January last, in led on the 4th day of January last, in led the vote of the people is nearly unanielection of State officers ordered by tution; and the bill nowhere to impos Lecompton constitution upon the Kansas-are all parts of one continued design. Those who have performed the they have been mere agencies of the that controlled and directed their acti power is the national organization of the

> mate. The organization of the f nullifiers and slave propagandists. whom, in all the States, but especi slave States, were, until very recopen enemies of the Democratic par lent denouncers of General Jackson measures of his administration; men y not now, and never did have, a drop cratic blood in their veins. counsels of such advisers, has abandon principles and its trust. the Lecompton constitution will be adopted Congress, and the attempt be made to for Democratic members of the Senate and H of Representatives abhor the Lecomp

ocratic party, and it is responsible for long series of outrage, and for the great v

stitution and detest its frauds. Is there a man in or out of Congre doubts for a moment that the Lecompte stitution would be rejected by Congress, Democratic party did not demand its adopt lecent dispensation of executive ere made use of to influence the action control the independence of Cougress.

In this dark hour, when the Republic

langer, I hail the coming day of emanci from servile obedience to party, herald this Chamber by the independence of the limbs the bands of the Democratic party would bind them to Lecompton are like green withes of Delilah upon the limbs of Democrats, who, all over the country. moment are renouncing

courage and firmness required trest committed to its charge. Noble as have been the achievement Democratic party while it adhered to its 1 ciples, when it has become faithless to rights and liberties of the people, its orga-

tion must be dissolved. The honest Democracy of the country real Democracy—buried deep the name of Federal party. They will consign the tai Federal party. They will consign the taparty name of Democrat to the same grave, deep and they will make the grave deep large enough to hold all the treason that show itself within the boundarie